

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0237-04
Bill No.: Truly Agreed to and Finally Passed CCS for SCS for HB 80
Subject: Law Enforcement
Type: Original
Date: May 30, 2001

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
General Revenue*	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
Highway Funds	(\$59,825)	(\$57,019)	\$0
Total Estimated Net Effect on <u>All</u> State Funds *	(\$59,825 to Unknown)	(\$57,019 to Unknown)	\$0 to (Unknown)

* **SUBJECT TO APPROPRIATION - Could exceed \$100,000 in any given year.**

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
None			
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
Local Government	Unknown to (Unknown)	Unknown to (Unknown)	Unknown to (Unknown)

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 14 pages.

FISCAL ANALYSIS

ASSUMPTION

Confidentiality of peace officer's home address or other information (Section 32.056):

Officials from the **Department of Revenue (DOR)** assume the Driver and Vehicle Services Bureau will require 2 Clerk Typist II positions to update confidential records, prepare correspondence and manually process all renewal and record modifications for these records.

The Driver and Vehicle Services Bureau currently maintains confidential records on 240 probation, parole and pretrial officers. This represents approximately 17% of the 1,500 probation, parole and pretrial officers throughout the state. Although there are 240 probation, parole and pretrial officers who have requested records to be marked confidential, this affects approximately 1,200 records because individuals may have multiple motor vehicle records. These records are maintained in a separate database and require special processing in order to ensure integrity and security in the confidentiality of the record information.

DOR has obtained information from the Department of Public Safety indicating that there are approximately 17,000 law enforcement officers statewide. The Driver and Vehicle Services Bureau assumes the same percent of law enforcement officers will request to have their records marked "confidential".

$17,000 \times 17\% = 2,890$ individuals who will request that their records be marked as "confidential". Factoring multiple motor vehicle registration records, the Driver and Vehicle Services Bureau assumes that this increased number of individuals who will request that their records be marked "confidential" will affect 14,450 records. **This represents an increased workload of 1,100%.**

DOR assumes 2 FTE and related expense and equipment would be needed to implement this proposal.

Oversight assumes these employees can be located in existing space, and has adjusted the cost to DOR accordingly. DOR requested the additional employees to maintain a separate secured database pending security improvements to be added to the vehicle registration computer system, and expects to be able to provide the needed security for these registrations without the separate database when improvements to the vehicle licensing system are completed. Accordingly, Oversight has estimated fiscal impact for FY 2002 and FY 2003 only. Oversight also assumes that immediate family is limited to the spouse and children of the peace officer for the purposes of this proposal.

ASSUMPTION (continued)

Swearing in of sheriffs (Sections 57.020 and 57.030):

In response to similar legislation from this year, officials from the **Department of Public Safety** assumed this part of the proposal would not fiscally impact their agency.

Oversight assumes this amendment would have no fiscal impact to the local political subdivisions.

Authorizing the creation of law enforcement districts in Camden County (Sections 67.1860 to 67.1898):

In response to similar legislation from this year, officials of the **Department of Public Safety** assumed this part of the proposal would not fiscally impact their department.

In response to similar legislation from this year, **Camden County** officials assumed this part of the proposal would require a citizens petition to create and, therefore, there would be no fiscal impact. Should a district be established officials assume there would be income from a property tax and costs from providing law enforcement projects.

Oversight assumes this part of the proposal is permissive and would require voter petition, and approval before fiscal impact would be realized. The district, if established, would have income from property taxes, which could not exceed 6 cents per one hundred dollars of assessed valuation, and the district would have costs related to providing projects for law enforcement. Oversight assumes that annual costs would not exceed revenues resulting in either an annual positive fund balance, or an annual zero fiscal impact. Oversight shows no fiscal impact for this part of the proposal.

Authorizing the creation of law enforcement districts and multi jurisdictional antifraud enforcement groups (Sections 70.827 to 70.833):

In response to similar legislation from this year, officials from the **Jefferson City Police Department, Boone County Sheriff's Department** and the **Department of Conservation** assumed the proposed legislation would have no fiscal impact on their agencies.

In response to similar legislation from this year, officials from the **Department of Public Safety - Missouri Highway Patrol (MHP)** and the **St. Louis Metropolitan Police Department**

ASSUMPTION (continued)

assume the proposed legislation would have no fiscal impact on their agencies.

Officials from the **Department of Public Safety - Director's Office (DPS)** assume they would require 1 FTE Public Safety Manager to work with the antifraud task forces to ensure that funds are spent in accordance with the grant contracts, 1 FTE Program Representative to be responsible for monitoring the activities of the antifraud task forces, 1 FTE Accountant to provide financial support and auditing of the antifraud task forces grants, 1 FTE Clerk Typist III to provide clerical support to the program, 1 FTE Computer Information Technologist III to provide technological support, and the related expense and equipment for each position. Over the past six years DPS has automated all of their grant programs and plan to automate this program.

DPS estimates total expenses necessary for this part of the proposal to be roughly \$300,000 in each fiscal year.

Oversight assumes the language of this proposal is permissive. Any fiscal impact would appear to be contingent upon whether any political subdivisions cooperate to form a multijurisdictional antifraud enforcement group and whether funds are made available by the general assembly.

Resubmit to voters of Kansas City a bond issue and sales tax before a 12 month lapse since the last defeat of the issue (Section 94.577):

In response to similar legislation, officials from the **Office of the Secretary of State** assumed this part of the proposal would not fiscally impact their agency.

Officials from the **City of Kansas City** state this part of the proposal would allow Kansas City to be exempt from the limitation of waiting twelve months to resubmit the tax to the voters for approval. Kansas City officials state the one-quarter sales tax will be submitted to the voters to pay for a Public Safety Improvements program. These funds will be utilized to fund new police facilities as well as renovations and additions to existing police facilities. It would also be utilized to renovate Metropolitan Ambulance Service Trust (MAST) facilities and Emergency Operation Center office.

Kansas City officials estimate the revenues that would be generated, if the voters approve the measure, would be \$700,000 in FY 2002, \$15,330,000 in FY 2003, and \$15,667,260 in FY 2004.

Oversight assumes this part of the proposal would not have a fiscal impact to the state or the City of Kansas City, since it is subject to voter approval.

ASSUMPTION (continued)

Expands custody without warrant (Section 544.170);

In response to similar legislation from this year, officials from the **Department of Public Safety** - divisions of **Missouri Highway Patrol, Fire Safety, Liquor Control, Capitol Police** and the **Missouri Water Patrol** each assumed the proposal would not fiscally impact their respective agencies.

In response to similar legislation from this, officials from the **Office of Prosecution Services** and the **Office of the State Courts Administrator** assumed there would be no fiscal impact on their respective agencies.

In response to similar legislation from last year, officials of the **State Public Defender** assumed that existing staff could provide representation for those 15-20 cases arising where the indigent persons were charged due to the increased amount of time the prosecution would have to file charges. However, passage of more than one similar bill would require the State Public Defender System to request increased appropriations to cover the cumulative cost of representing the indigent accused.

In response to similar legislation from last year, officials from the **Office of the Attorney General** assumed the proposal would not fiscally impact their agency.

In response to similar legislation from last year, officials from the **Boone County Sheriff's Department** assume there will be an increase in costs of approximately \$6,000 per year to their agency for the increased time that they will have to house the people arrested.

In response to similar legislation from last year, officials from the **Department of Corrections (DOC)** stated that they could not predict the number of new commitments which could result from the creation of the offense(s) outlined in the proposal. An increase in commitments would depend on the utilization of prosecutors and the actual sentences imposed by the courts.

If additional persons were sentenced to the custody of the DOC due to the provisions of this legislation, the DOC would incur a corresponding increase in operational costs through supervision provided by the Board of Probation and Parole (FY 99 average \$2.47 per offender, per day).

Supervision by the DOC through probation would result in some additional costs, but DOC officials assume that the impact would be \$0 or a minimal amount that could be absorbed within existing resources.

ASSUMPTION (continued)

RAS:LR:OD (12/00)

Oversight assumes there could be some increase in local jail populations as a result of this proposal. However, Oversight assumes this would be at the discretion of the political subdivisions and any fiscal impact to them should be minimal.

Bad check fees (Section 570.120):

Officials of the **Department of Economic Development - Divisions of Finance and Credit Unions** assume the proposal would have no fiscal impact on their agencies.

In response to similar legislation from this year, officials of the **Office of the Jackson County Prosecuting Attorney** stated that this proposal would provide for an increase in the administrative handling fees.

In response to similar legislation from this year, officials of the **Office of Boone County Prosecuting Attorney** stated that the proposed legislation is tied to a legal action rather than to the processing of a bad check, the bill encourages multiple filings and litigation. With every lawsuit filed, there is the expense of filing the charge, serving the defendant with notice, etc.. Officials stated that their office packages the administrative fees with each check on one law suit. Officials stated that the collection of administrative fees under this proposal might be increased, but the cost of collecting the fees would be significantly higher.

In response to similar legislation from this year, officials of the **Office of State Courts Administrators** stated there would be no fiscal impact on the Courts.

Oversight assumes that the proposal would increase the fees assessed by prosecuting or circuit attorneys on returned checks, and that counties would consequently collect additional revenues from such fees. The amount of increased collections cannot be reasonably determined.

Peace Officer Standards and Training (Sections 57.010, 488.5336, and 590.010 through 590.175):

Officials from the **Department of Conservation** and the **Department of Public Safety - Peace Officer Standards and Training** each assumed the proposal would not fiscally impact their respective agencies.

In response to similar legislation from this year, officials from the **Office of Prosecution Services** and the **Office of the State Courts Administrator** assumed this proposal would not

ASSUMPTION (continued)

fiscally impact their respective agencies.

In response to similar legislation from last year, officials from the **Department of Health (DOH)** stated that this proposal would not affect them because curriculum for domestic violence and family violence training for peace officers has already been implemented. No new duties for DOH would occur.

In response to similar legislation from last year, officials from the **Office of the State Public Defender** assumed that existing staff could provide representation for those cases arising where indigent persons were charged with a B Misdemeanor for fraudulently holding a peace officer commission. However, passage of more than one similar bill would require the State Public Defender System to request increased appropriations to cover cumulative cost of representing the indigent accused in the additional cases.

In response to similar legislation from last year, officials from the **Office of Secretary of State (SOS)** assume there would be costs due to additional publishing duties related to the Department of Public Safety's authority to promulgate rules, regulations, and forms. SOS estimates the division could require approximately 32 new pages of regulations in the Code of State Regulations at a cost of \$27.00 per page, and 48 new pages in the Missouri Register at a cost of \$23.00 per page. Costs due to this proposal would be \$1,968, however, the actual fiscal impact would be dependent upon the actual rule-making authority and may be more or less. Financial impact in subsequent fiscal years would depend entirely on the number, length, and frequency of the rules filed, amended, rescinded, or withdrawn. SOS does not anticipate the need for additional staff as a result of this proposal; however, the enactment of more than one similar proposal may, in the aggregate, necessitate additional staff.

Oversight assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process. Any decisions to raise fees to defray costs would likely be made in subsequent fiscal years.

Officials from the **Department of Natural Resources (DNR)** state the legislation addresses the level of certified training requirements for peace officers, certified reserve officers, & reserve officers.

The DNR stated that their state park rangers are currently satisfying the high end of the training requirement specified (470-600 hours) with each ranger being required to receive 600 hours of training. Section 590.040.1 RSMo provides that POST could require up to 1,000 hours for a state law enforcement agency.

ASSUMPTION (continued)

DNR currently has 46 rangers. Some of the rangers have 1,000 hours due to prior employment. If POST set this requirement for our rangers, the division estimates this would cost in excess of \$6,000 per ranger to gain the additional 400 hours, not including room and board. Because this is not currently a fiscal issue, the department assumes that if POST increases the training requirements, additional resources would be requested through the normal budget process. Other training requirements specified in this proposal would not result in fiscal impact as these would be added into existing curricula at training facilities (i.e., 30 hrs of training on domestic and family violence, racial profiling requirements, etc.).

The legislation requires the DNR to notify, within 30 days, the POST Commission of all departures from employment of commissioned peace officers, indicating in certain situations.

The legislation requires any applicant to a certified law enforcement training center to submit fingerprints and an authorization for a criminal history background check, including FBI records. The cost of the criminal history check may be borne by the applicant. The DNR already incurs the cost of the criminal background checks when sending applicants to the peace officer certification program.

Officials from the **Department of Public Safety - Missouri Highway Patrol (MHP)** state their Professional Standards Division would require 1 additional FTE as a result of this legislation. Currently, there is only one clerical employee assigned to the Professional Standards Division and she is performing the work of two individuals. Therefore, she would not be able to handle any additional workload. The new FTE would be required to complete and copy reports to send to DPS. Presently, DPS is only officially notified in those cases when employment is terminated, not for certain acts of misconduct that may not result in termination. The requirement to notify DPS of certain acts of misconduct would result in a larger workload than is currently done. The MHP estimates costs related to this FTE to be roughly \$25,000 per year.

Oversight assumes the MHP could implement the additional duties of this proposal with existing resources.

In response to similar legislation from this year, officials from the **Jefferson City Police Department** assumed that while there would be savings in their general revenue funded expenditures, the amount of that savings would be dependent on levels and availability of training. This varies during fiscal years. If enacted, they would be able to increase training for other employees.

In response to similar legislation from last year, officials from the **Johnson County Sheriff's Department** and the **Boone County Sheriff's Department** each assume this proposal would not

ASSUMPTION (continued)

fiscally impact their respective agencies.

Oversight assumes for purposes of this fiscal note that if local law enforcement offices elected to pay for additional training required under this proposal for certification, there would be unknown costs to local governments. However, these costs would likely be minimal since the proposal appears to allow payment by local governments for additional training costs only if excess funds are available and appears to allow a county of the third classification to adopt an order or ordinance approving certification with only one hundred and twenty hours of training.

<u>FISCAL IMPACT - State Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
GENERAL REVENUE FUND			
<u>Costs</u> - Department of Public Safety Admin of multijurisdictional antifraud enforcement groups	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
<u>Costs</u> - Grants to multijurisdictional antifraud enforcement groups *	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND	\$0 to (UNKNOWN)	\$0 to (UNKNOWN)	\$0 to (UNKNOWN)

* **SUBJECT TO APPROPRIATIONS - could exceed \$100,000 in any given year.**

HIGHWAY FUNDS

<u>Cost</u> - Department of Revenue Temporary Maintenance of Secured Database			
Personal Service (2 FTE)	(\$34,120)	(\$41,968)	\$0
Fringe Benefits	(\$11,372)	(\$13,988)	\$0
Equipment	(\$13,473)	\$0	\$0
Expense	(\$860)	(\$1,063)	\$0
ESTIMATED NET EFFECT ON HIGHWAY FUNDS (Section 32.056)	(\$59,825)	(\$57,019)	\$0

<u>FISCAL IMPACT - Local Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
---	---------------------	---------	---------

POLITICAL SUBDIVISIONS

<u>Income</u> - Grants for multijurisdictional antifraud enforcement groups*	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
--	----------------	----------------	----------------

<u>Costs</u> - Operation of multijurisdictional antifraud enforcement groups	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
--	---------------------	---------------------	---------------------

ESTIMATED NET EFFECT TO POLITICAL SUBDIVISIONS	\$0 to (UNKNOWN)	\$0 to (UNKNOWN)	\$0 to (UNKNOWN)
---	-----------------------------	-----------------------------	-----------------------------

*** SUBJECT TO APPROPRIATIONS - could exceed \$100,000 in any given year.**

COUNTIES

<u>Income</u> -increased fees for bad checks	<u>UNKNOWN</u>	<u>UNKNOWN</u>	<u>UNKNOWN</u>
--	----------------	----------------	----------------

FISCAL IMPACT - Small Business

Small businesses within the boundaries of the possible law enforcement district in Camden County could realize the cost of paying additional property taxes.

DESCRIPTION

This proposal makes various changes pertaining to law enforcement.

MULTIJURISDICTIONAL ANTIFRAUD ENFORCEMENT GROUPS

The proposal allows political subdivisions to form groups for the purpose of investigating fraudulent activities. The proposal:

- (1) Defines a "multijurisdictional antifraud enforcement group"(MAEG) as a combination of political subdivisions that are formed, by ordinance, to investigate fraud (Sections 70.827 and 70.829, RSMo);
- (2) Grants officers authorized as MAEG members the power of arrest, which can be exercised anywhere in the state if notification is given to the authorities of the venue (Section 70.829);

DESCRIPTION (continued)

(3) Permits the formation of an MAEG across state lines, if permitted by the bordering state. Law enforcement officers from the bordering states may be deputized locally (Section 70.831); and

(4) Makes MAEG units eligible for state grants for operating costs if certain conditions are met (Sections 70.831 and 70.833).

PEACE OFFICER TRAINING

The proposal reorganizes and makes several changes to Peace Officers Standards and Training (POST) licensure requirements. In its main provisions, the proposal:

(1) Requires sheriffs who do not hold a valid peace officer's license to refrain from executing police powers after January 1, 2003, but exempts sheriffs who are serving their first term and who intend to become licensed within 12 months of taking office and the sheriff of St. Louis County;

(2) Requires the POST Commission to establish various classes of peace officer licenses;

(3) Requires minimum standards for basic training and certification of all peace officers which may vary by class of license. Currently, the training standards program is optional for reserve officers;

(4) Requires the commission to set a minimum number of hours for basic training no lower than 470 hours and no higher than 600 hours, with certain exceptions;

(5) Requires applicants to basic training centers to submit fingerprints and authorization for a criminal history background check, including FBI records. The cost of the criminal history check may be borne by the applicant;

(6) Requires continuing education for all officers, including training about the prohibition against racial profiling;

(7) Requires the chief executive officer of each law enforcement agency to give notice to the Director of the Department of Public Safety of all hires to and departures from employment of licensed peace officers, indicating in certain situations the reason for the separation;

(8) Specifies when the director will have cause to discipline a peace officer licensee, suspend the license of a peace officer, and deny or conditionally grant an application for a peace officer

DESCRIPTION (continued)

license or entrance into a basic training course and details appeal procedures;

(9) Requires all information concerning persons who are applicants or who are licensed as peace officers to be kept confidential without written consent. Exceptions are provided for officers involved in litigation and information that is lawfully requested;

(10) Allows the director to issue subpoenas, which can be enforced as a subpoena issued in a civil case in the circuit court;

(11) Provides that all records relating to a licensed officer who is being investigated to determine fitness to serve are discoverable and admissible into evidence and that no privilege exists between peace officers and records custodians allowing records or testimony to be withheld;

(12) Provides that those reporting information to the department when it is conducting an investigation as to licensed officers are immune to civil suit for damages if the information is given in good faith and without malice;

(13) Requires surcharge funds collected in the processing of criminal cases in excess of those allocated to pay for training required for licensed peace officers, county coroners, and their deputies to be used to pay for additional training for licensed peace officers; and

(14) Makes it a class B misdemeanor to commission as a peace officer persons who are not licensed by the director and to accept a commission as a peace officer without a license.

CONFIDENTIALITY OF PEACE OFFICER RECORDS

The proposal prohibits the Department of Revenue from releasing information contained in its motor vehicle or driver registration records regarding a peace officer. It also extends the confidentiality to members of the officer's immediate family and allows the department to release the information if the officer has a commercial driver's license.

LAW ENFORCEMENT DISTRICTS

The proposal authorizes the creation of law enforcement districts in Camden County to fund, promote, and operate projects relating to law enforcement. Ten percent of the registered voters in a district may file a petition in circuit court requesting the creation of a district. The proposal sets forth the requirements and court procedure regarding the petition. A board of directors consisting of 5 elected members will govern each law enforcement district. A district may

DESCRIPTION (continued)

impose a property tax if approved by voters. The proposal outlines the legal powers of a law enforcement district, including the powers to contract, borrow money, and coordinate efforts with state and local agencies.

MISCELLANEOUS PROVISIONS

The proposal authorizes the City of Kansas City to submit a sales tax proposal for law enforcement to the voters sooner than 12 months after the last proposal was submitted if the proposal is submitted on or before November 6, 2001.

Certain offenders may be held up to 24 hours after arrest without a warrant.

An additional penalty of 10% of the face amount is added to the fine for passing a bad check for \$100 or more. The fee for administrative handling costs is limited to \$50.

The requirement for annual sensitivity training from the racial profiling statute is eliminated.

Certain provisions of the bill are subject to an emergency clause.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Revenue

Department of Public Safety

Director's Office

Police Officer Standards and Training

Missouri Highway Patrol

Fire Safety

Liquor Control

Capitol Police

Water Patrol

Department of Conservation

Office of the Secretary of State

Office of Prosecution Services

Office of the State Public Defender

Office of the Attorney General

RAS:LR:OD (12/00)

SOURCES OF INFORMATION (continued)

Department of Corrections
Department of Economic Development
 Division of Finance
 Division of Credit Unions
Office of the State Courts Administrator
Department of Health
Department of Natural Resources
Camden County
Jefferson City Police Department
Boone County Sheriff's Department
St. Louis Metropolitan Police Department
City of Kansas City
Jackson County Prosecuting Attorney
Boone County Prosecuting Attorney
Johnson County Sheriff



Jeanne Jarrett, CPA
Director

May 30, 2001